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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,607

04/13/2006

Robert J. Lind

1340US2

1644

25279 7590 01/28/2011

GRACO MINNESOTA INC  
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EXAMINER

HWU, DAVIS D

ART UNIT

PAPER NUMBER

3752

NOTIFICATION DATE

DELIVERY MODE

01/28/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto@graco.com  
nskaalrud@graco.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,607	<b>Applicant(s)</b> LIND ET AL.	
	<b>Examiner</b> Davis Hwu	<b>Art Unit</b> 3752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. Applicant's amendment and arguments of January 20, 2011 have been entered and fully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tholome in view of Bearden et al.

Tholome discloses a method of thermally protecting an electric motor in an electric sprayer having a control an a temperature, and which operates to maintain a user-selected controlled pressure, the method comprising: monitoring the temperature of the electric motor via temperature sensors 61a-c; and reducing the controlled pressure when the electric motor temperature exceeds a predetermined level (column 14).

Tholome discloses the pressure being reduced by shutting off the motor but does not disclose the device continuing to spray at a reduced pressure. Bearden et al. teaches a method of thermally protecting the electric motor of an electrical pump 11 by monitoring the temperature within the pump and reducing the operational speed of the pump when an abnormally high pump temperature is experienced so that the pump can still operate while it cools down wherein the pressure will be reduced as the pump speed is reduced. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Tholome by providing the capability for reducing the pressure but also continue spraying when the electric motor

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temperature exceeds a predetermined level as taught by Bearden et al. so the sprayer can still operate while it is cooling down. Regarding claim 5, it would have been obvious to one having ordinary skill in the art that when the motor temperature exceeds a first level, the pressure of the device would be reduced as the pump speed is reduced while still continuing to spray so that the device can cool as taught by Bearden et al. and that the control of the motor would change to on/off control by shutting off when the motor temperature exceeds a second level as the final precautionary step to avoid serious damage to the motor, wherein the second temperature is higher than the first.

### ***Response to Arguments***

4. Applicant's arguments filed January 20, 2011 have been fully considered but they are not persuasive. Bearden et al. teaches in column 21 and 22 monitoring the temperature of the electrical pump and reducing the operation speed of the pump if the temperature exceeds a certain threshold, in which the reducing the speed of the pump will change the pump pressure as stated in column 13, lines 23-24. Therefore, through the teaching of Bearden et al., the device of Tholome can be modified to carry the method reducing the speed of the motor to reduce the pump pressure instead of shutting off the pump when a temperature threshold is exceeded. Since Tholome already discloses turning off the motor when a threshold temperature is exceeded, it can be made to turn off the motor when a second predetermined temperature is exceeded, since the motor speed is reduced upon the temperature exceeding a first threshold pressure. Applicant has not claimed that the speed of the sprayer may not be reduced as argued in paragraph 2 of the Remarks/Arguments section.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

/Davis Hwu/  
Primary Examiner, Art Unit 3752